

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FREDA D. SMITH,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

CASE NO. C10-5063RBL

ORDER

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision in regard to Plaintiff's applications for disability insurance benefits and supplemental security income payments under Titles II and XVI of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings before an administrative law judge (ALJ), a new hearing, and a new decision. On remand, the ALJ will 1) give consideration to and discuss the third party statement of Plaintiff's mother, Joan Newman; 2) give consideration to and discuss the severity of Plaintiff's obesity and fibromyalgia at steps two and three of the sequential evaluation; 3) give further consideration to and discuss the opinion of Jerry Rusher, M.D.; and 4) obtain supplemental vocational expert testimony, if necessary.

1 This Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C.  
2 §405(g) with a remand of the cause to the Commissioner for further proceedings. Melkonyan v.  
3 Sullivan, 501 U.S. 89 (1991).

4 Judgment is for the Plaintiff and the file shall be closed.

5 DATED this 19<sup>th</sup> day of October, 2010.

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8 RONALD B. LEIGHTON  
9 UNITED STATES DISTRICT JUDGE  
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